

November 24, 2010

Dr. Roy E. Crabtree  
Regional Administrator  
Southeast Regional Office  
National Marine Fisheries Service  
263 13<sup>th</sup> Avenue South  
St. Petersburg, FL 33701

Subject: EPA NEPA Review of NOAA Public Hearing Draft Amendment 2 to the Fishery Management Plan for the Queen Conch Fishery of Puerto Rico and the U.S. Virgin Islands and Amendment 5 to the Reef Fish Fishery Management Plan of Puerto Rico and the U.S. Virgin Islands (with DEIS and Regulatory Impact Review) (July 9, 2010); CEQ# 20100265; ERP# NOA-C39018-00

Dear Dr. Crabtree:

Consistent with our responsibilities under Section 102(2)(C) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency (EPA) has reviewed the National Oceanic and Atmospheric Administration/National Marine Fisheries Service (NOAA/NMFS) Public Hearing Draft Amendment 2 to the Fishery Management Plan for the Queen Conch Fishery of Puerto Rico and the U.S. Virgin Islands and Amendment 5 to the Reef Fish Fishery Management Plan of Puerto Rico and the U.S. Virgin Islands. The purpose of the joint amendment is "...to bring those fisheries into compliance with the 2007 revisions to the Magnuson-Stevens Fishery Conservation and Management Act" and to "revise management reference points and status determination criteria for the Caribbean queen conch, snapper, grouper and parrotfish" so as to address species previously defined as undergoing overfishing while minimizing, to the extent practicable, negative socioeconomic impacts that may result from the amendment actions. Six actions are proposed to achieve these goals.

EPA defers to NMFS in technical matters pertaining to fishery management, and supports NMFS preferred alternatives, where one has been selected, for actions 1, 3, 5 and 6. We offer the following comments on actions 2 and 4:

Action 2 – EPA prefers an uncertainty factor of 0.50 for the adjustment of the average annual catch when deriving the annual catch limit (ACL). EPA feels a conservative approach to protecting reef resources is the best way to ensure the long-term sustainability of the fisheries and minimize habitat interactions.

Action 4 – EPA favors Alternative 5 (a 0-fish aggregate bag limit for parrotfish) over the preferred Alternative 7 (an overall aggregate bag limit that allows a fisher a total of 10 fish per day including not more than two parrotfish (excepting midnight, blue, and rainbow parrotfish)). EPA supports the elimination of harvesting of midnight, blue and rainbow parrotfish, but given the ecological importance of all parrot fish, EPA prefers an alternative that prohibits the harvest of these three species as well as a 0-bag limit for all parrotfish. As was mentioned in the amendment, essential ecological services are provided by parrot fish by way of grazing on the reefs cape and controlling the proliferation of algal species that would otherwise overgrow the reef and could impact the settlement of coral propaguels.

EPA rates this action as “LO” that is, lack of objections. EPA supports the overall Queen Conch Fishery and Reef Fish Fishery Management Plan of Puerto Rico and the U.S. Virgin Islands. We appreciate NOAA’s continued coordination with us and look forward to receipt of the Final EIS (FEIS). At that time, we will review NOAA’s response to our comments on the DIES. Should you have questions regarding these comments, feel free to contact Stephanie Lamster at (212)-637-3465.

Sincerely,

John Filippelli, Chief  
Strategic Multi-Media Programs Branch

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